(3)

SINGLE BENCH
C.J. [illegible]

P.R. No. 2219/06
Presented by: Durgeshwari Thakur
dated 25/4/06

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO.2189 /2006

PETITIONER :- Bal Sai Sahu S/o Khuli Ram Sahu, aged about 54 years, R/o Jaipur, P.S. Baikunthpur, District Korea [C.G.]

VERSUS

RESPONDENTS :- (1) State of Chhattisgarh
Through: Secretary,
State of Chhattisgarh, Adim
Jati Avam Anu. Jati Vikas Mantralaya,
D.K.S. Bhawan, Raipur [C.G.].

(2) Asstt. Commissioner,
Adivasi Vikas, Korea,
Baikunthpur, Korea [C.G.].

(3) Collector, Korea,
Baikunthpur, Korea [C.G.].

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PETITION UNDER ARTICLE 226/ 227 OF CONSTITUTION OF INDIA

AFR

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION NO. 2189 OF 2006

Petitioner : Bal Sai Sahu

versus

Respondents : State of Chhattisgarh and others

Present : Shri J.K. Shastri, counsel for the petitioner.
Shri Satish Gupta, Deputy Government Advocate for the State.

ORAL ORDER

(1st May, 2006)

1. The petitioner who was working as Assistant Teacher in Government Primary School, Jaipur, Block-Baikunthpur, District Korea (C.G) was transferred to Government Primary School Murkil, Block Bharatpur, District Korea (C.G) within the same district by order dated 6.9.2005 (Annexure P-1).

2. Learned counsel appearing for the petitioner submits that this order has not been communicated till date to the petitioner and the petitioner has not been relieved pursuant to the said order so far. The petitioner has not made any averment in the petition with regard to service of transfer order and relieving of the petitioner from the original place to the new place of posting. The statement of the petitioner is as vague as it could be as it is neither supported by any affidavit nor by any document. It is not clear as to whether, the petitioner has been relieved or not.

3. Even otherwise, in transfer matters this Court while exercising its jurisdiction under Article 226/227 of the Constitution of

India has limited scope for interference. The High Court can interfere with the transfer order only in those cases, where order has been passed by an incompetent officer and/or contrary to the statutory rules or regulations or in exercise of malice. In the present case nothing has been shown, as stated above.

4. Accordingly, this petition is dismissed, so far as the transfer order is concerned. For other relief or permission, the petitioner has not made out any averment. However, the petitioner is at liberty to raise the same as and when cause of action arises, in separate petition.

Sd/-
Satish K. Agnihotri
Judge